

Application No.: 10/623,958  
Date of Response: 01/11/2005  
Reply to Action of: 10/20/2004

## **REMARKS**

This reply is being entered in response to the Office Action of October 20, 2004. In this Office Action, the Examiner made the following rejection:

5

The Examiner has rejected claims 1, 5, 11 and 14 as being allegedly anticipated by United States patent 3,889,426 to Blum.

10 Subsequent to the aforementioned Office Action, a telephonic interview was held between the applicant's agent, Dr. Peter Mikesell, and Examiner Rachuba. This interview was conducted on January 11, 2005 at 9:30 AM EST. Kindly consider this transmission a reduction to writing as required by MPEP 713.04 and 37 CFR 1.133. At this interview, it was agreed that the claim limitation found in the above Listing of Claims would overcome the rejection  
15 under 35 USC 102 found in the Office Action of October 20, 2004. Moreover, it was agreed that both claims 1 and 11 are generic and if claims 1 and/or 11 are found allowable, the examiner would rejoin and examine the non-elected claims. Reconsideration is respectfully requested.

20

**1. The Examiner has rejected claims 1, 5, 11 and 14 as being allegedly anticipated by United States patent 3,889,426 to Blum.**

25 The Examiner has rejected claims 1, 5 and 11 as being allegedly anticipated by United States patent 3,889,426 to Blum, stating:

30 Claims 1, 5, 11, and 14 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Blum, 3,889,426. '426, figures 1 and 2, discloses the claimed invention, please refer to column 3, lines 10-22). Further, '426 discloses that the polishing pad

Application No.: 10/623,958  
Date of Response: 01/11/2005  
Reply to Action of: 10/20/2004

5 cover at least two-thirds of the lens surface, and is shown in figure 1 as being almost twice larger than the lens surface. This can be interpreted as the polishing pad is comprised of a surface having a surface area which is less than 0.15 times as great as the surface area of the workpiece, the surface being any part of the pad which is less than 0.15 times as great as the surface area of the workpiece.

10 Applicant's claims as filed recite an oscillating polishing pad. While the applicant does not necessary agree that the rejection is proper, to facilitate the prosecution of this application, the amended claims now recite the degree and frequency of oscillation. Grounds for this amendment may be found in the specification. Reference may be had, for example, to page 9 beginning at line 3  
15 and page 24, beginning at line 33. It is the applicant's earnest belief that the prior art of record fails to teach a polishing pad capable of the recited degree and frequency of oscillation in combination with the other elements recited in the claims. It is respectfully submitted that the anticipation rejection has been obviated.

20

### **CONCLUSION**

25 The claims have been amended as discussed in the January 11, 2005 interview. Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. If, for any reason, the Patent Examiner believes that a telephone conference with applicants' agent might in any way facilitate the prosecution of this case, the Examiner is respectfully requested to call such agent.

30

Application No.: 10/623,958  
Date of Response: 01/11/2005  
Reply to Action of: 10/20/2004

To the extend necessary, please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-2753 and credit any excess fees to such deposit account. If necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby  
5 made.

Respectfully submitted,  
Howard J. Greenwald P.C.

By Peter Mikesell  
Peter J. Mikesell  
Reg. No. 54,311  
Telephone (585) 387-0285  
Fax (585) 387-0288

10